

Applicant	:	Kevin R. Orton
Appl. No.	:	09/666,207
Examiner	:	Leslie R. Deak
Docket No.	:	704484.4014

Remarks

Claims 1-3, 5-11, 22-40 are pending in this application. Claims 4 and 12-21 have been withdrawn. Claims 1, 8, 22, and 27 have been amended. Claims 29-40 have been added.

Claims 1-3, 5-11 and 22-28 stand rejected over US Patent No. 4,822,339, to Tran (hereinafter "Tran" or "the Tran reference"). The Tran reference teaches using electromotive force to push ionized medicine through a membrane, or alternatively to de-ionize medicine and allow the de-ionized medicine to pass through a membrane. See Tran, 1:59-62, 2:11-18. The containers of the Tran reference all use a semi-permeable membrane to facilitate the passage of the ionized or de-ionized medicine from a medicine container into a medicine delivery system and thus into the patient. These semi-permeable membranes are necessary to Tran, because Tran is using the semi-permeable nature of the membranes to deliver the ionized or de-ionized medicine.

The instant application, however, claims an undivided reservoir, "wherein the substantially impermeable reservoir is substantially impermeable to the liquid or fluid substance, regardless of whether the liquid or fluid substance is in an ionic or a non-ionic form," and/or electrically conductive members that "allow an electric current to be passed through the liquid or fluid substance to enhance a therapeutic effectiveness of the liquid or fluid substance." The Tran reference does not teach an undivided, substantially impermeable reservoir. The reservoirs of Tran all include a semi-permeable membrane, whether divided, as in FIG. 1 and 10, or undivided, as in FIG. 3. These divided reservoirs and semipermeable membranes are required by the Tran reference, because the Tran reference is teaching a different concept than is claimed by the instant application. The instant application claims an undivided reservoir, that is substantially impermeable, because the instant application is claiming a different concept that is taught by the Tran reference.

The Tran reference also teaches the use of electromotive forces to control dosages of medicine being administered to a patient. The instant application, however, claims the use of electric current to "enhance a therapeutic effectiveness of the liquid or fluid substance." This use of electric current is taught nowhere by Tran, and since Tran teaches use of electric currents for an entirely different purpose, namely providing electromotive forces to control dosages of medicines, Tran teaches away from the claimed "electric current to be passed through the liquid

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or fluid substance to enhance a therapeutic effectiveness of the liquid or fluid substance,” and in any event provides no motivation to combine Tran with any other reference to supply this limitation missing in Tran. Accordingly, claims 1, 8, 22 and 27, as well as the claims which depend from these claims, are neither anticipated by nor rendered obvious over the Tran reference.

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Conclusion

Prompt and favorable action on the merits of the claims is earnestly solicited. Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

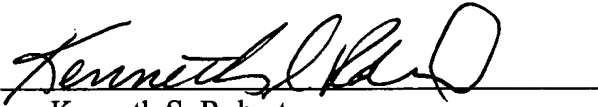
The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

Respectfully submitted,

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By:



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